

SPECIAL
COLLECTIONS
DOUGLAS
LIBRARY



QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

THE
CASE STATED,

Touching the Qualification of a

MEMBER

To serve in

PARLIAMENT

FOR THE

City of EDINBURGH;

WITH A

QUERY

TO THE

Incorporated Craftsmen

T H E R E O F.

EDINBURGH,

Printed in the Year, M.DCC.XLI.

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

100-174, (3)

THE
CASE STATED,

Touching the

QUALIFICATION of a MEMBER to
serve in PARLIAMENT for the
CITY of *EDINBURGH*;

With a QUERY to the

Incorporated CRAFTSMEN thereof.

THE Community of *Edinburgh*,
composed of Merchants and
Craftsmen, having had many
unhappy Disputes, preceeding the Year
1583, touching the Persons who should

A

hold

hold the Government of the City, their Number, their Power and Authority, and Manner of their Election, did, with the utmost Prudence, lay hold of the most agreeable Expedient, for restoring Peace and Concord, and for preventing such Disputes thereafter; which was, That all Questions, Differences and Controversies, for every Cause and Occasion, that were then subsisting between the Merchants and Craftsmen, should be settled, and finally determined by Arbitration: And accordingly a Submission was entred into by the Merchants, in Behalf of themselves, and by the Craftsmen, in Behalf of themselves,

selves, to the Arbiters who are therein named, and to King *James VI.* as Umpire; and whereupon there is a Decreet-arbital awarded, the Twenty second *April*, 1583, whereby every Matter, then in Question, is determined and settled, particularly, the Qualification of the Members to serve in Parliament, for the City, in the following Words *, Item, *As touching the Commissioners in Parliament, General-Council, Commissioners in Convention of Boroughs, it is thought Guid by the Commissioners, That, in all*

Time

* See Printed Copy of the Decreet-Arbital, Page 25.

Time coming, the one of the said Commissioners, for the Burgh of Edinburgh, shall be chosen by the said Provost and Baillies, forth of the Number and Calling of the Craftsmen, and that Person to be an Burgefs and Guild-Brother of the Burgh, of the best, expert, and wise, and of honest Conversation.

TO add more Force to this Decree, arbitral, there is the Interposition of the Authority of Parliament, which is supported by constant and uninterrupted Usage, down from 1583 to 1707, when, upon the Union of the two Kingdoms, the Representation of the City in the *British* Parliament

Parliament is limited to one in place of two.

BUT neither by that Limitation, nor by the 8th Act of the last Session of the first Parliament of Queen *Anne*, (intituled, *Act settling the Manner of electing the Sixteen Peers and Forty-five Commoners to represent Scotland in the Parliament of Great Britain*) is it determin'd, whether that One should be a Merchant or a Tradesman: For, by that Act, there is no further Provision made in that Behalf, than,

“ That none shall be capable to elect, or
 “ be elected to represent a Shire or Burgh
 “ in the Parliament of *Great Britain*
 “ for

“ for *Scotland*, except such as were, at
 “ the Time of making the Union, capable,
 “ by the Laws of *Scotland*, to elect, or
 “ be elected as Commissioners for Shires
 “ or Burghs to the Parliament of *Scot-*
 “ *land*.” And as, before the Union of the
 two Kingdoms, the Representation of the
 City in Parliament was equally in a Mer-
 chant and a Craftsman; and that, by the
 Union, there is no Change nor Innovation
 more in the Craftsman’s Right to repre-
 sent than in the Merchants, (the afore-
 said Limitation affecting them both alike)
 the natural Inference that thence does a-
 rise, is, That the City ought to be repre-
 sented

fented in Parliament by a Merchant and
 Craftsman alternately ; else there is an ap-
 parent Violation in the foresaid Rule and
 Constitution in the Decreet-arbitral. And
 as, from the Commencement of the Union
 down to this Time, those, in whom is
 vested the Election of a Member to serve
 in Parliament for this City, have not at-
 tended to the Right which is in the Craftf-
 men, as to this Particular, by the afore-
 said Decreet-arbitral, and which is still
 subsisting, as a Limitation on the Electors,
 (whereof the Majority indeed are Mer-
 chants) but have constantly made Choice
 of a Merchant ;

T H E R E F O R E it is now high Time, before Prescription can take Place, for the Craftsmen of *Edinburgh* to assert their Right, and to use all lawful Means to preserve the same to themselves, and transmit it to their Posterity.

Q U E R Y.

I F the Craftsmen of *Edinburgh*, especially such as have made a bold Stand, in Defence of Liberty and Independency, or any of them shall, on any Pretence, at the next Election of a Member to serve in Parliament for the City, do any Thing tending to destroy the Limitation, which is on the Magistrates and Town-Council, in

in choicing a Craftsman and Merchant alternately, or shall be silent, and tamely see it destroyed; What will they deserve? Can they ever be reckon'd true to their Trust, who yield up such a valuable Privilege?

F I N I S.

[11]

203-24





